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THE DESERT NEWS,

Salt Lake City, Utah.

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SALT LAKE CITY, JULY 31, 1903.

THE POLL TAX CONTROVERSY.

Our friends in this city who have paid

or worked out their poll taxes, under

the provisions of a city ordinance which

has been judicially declared invalid,

should not be excited over the al-

leged unlawful enforcement of the law,

nor imagine, as suggested by some en-

thusiasts, that they can recover from

the city the amounts they have paid in

cash or labor. Apart from the trouble

and expense of litigation over the small

amount involved in each case, is the

obstacle that they did not pay under

protest, and so their cause has lapsed

and they are not likely to succeed in a

suit-at-law.

There is another consideration: While

the chief point in the demand, entered

by the defendant in the suit of the city

to compel payment of poll-tax and

which was sustained by the city court,

affects the validity of the city ordi-

nance, and so applies to the general

question of the right of the city to

levy and collect such a tax from any-

body, there are two more judicial ques-

tions to come, namely, of the District

court and the Supreme court to which

an appeal can be taken if necessary.

So, people who have settled their poll-

tax had better not rush in a hurry

to try and recover their little three

dollars apiece.

There is still a question to be de-

cided in the case under consideration.

The City Council, as long ago as

April 6, 1886, passed an ordinance re-

quiring two days work or three dollars

lawful money, as an "annual poll-tax

upon every man in the city over twenty-

one and under fifty years of age,

who was not physically incapacitated to

work." This was done under the pro-

visions of the general polltax law of

March 11, 1886, which required this tax

of all such persons, and gave authority

to towns and cities to collect it, "un-

der such regulations as may be by or-

dinance provided." The power of the

city to pass the ordinance and collect

the poll-tax was therefore clearly con-

ferred by the Legislature. Let this be

carefully borne in mind.

When the statutes of Utah were re-

vised in 1898, the laws respecting the

powers of the cities under their respec-

tive charters were compiled, and a re-

pealing clause embodying the provi-

sions of sections 1720 and 1721 of the

laws of 1886, appeared as Section 311. It

is now argued and so ruled upon by

Judge Tanner, that under that section,

authority to collect a polltax was taken

from this city under the ordinance to

which we have referred, because the

power to levy and collect such a tax is

not included in Title 10 of the Revised

Statutes, which is in the nature of a new

charter to cities and towns, and which

repeals "all the special charters of all

cities and towns in this State and all

amendments thereto." The decision

amounts, then, to this: The city ordi-

nance which has been in force since 1886,

and appears anew in the ordinances of

1892, has been invalid since the passage

of the Revised Statutes of 1898, because

of the repealing clause which we have

cited.

But a little close investigation will

show that the City Council, in passing

the polltax ordinance, did not proceed

under any special or general charter

repealed in 1898, but under the power

given by the general polltax law of 1886,

which is included in the Revised Stat-

utes of 1898 and is still in force as Section

1743, and provides that:

"Within incorporated cities or towns

said polltax may be collected and ex-

pended under such regulations as may

be by ordinance prescribed."

It is evident that the fact has been

overlooked, that the City Council in

passing the polltax ordinance did not

act under any "special charter," for

that only gave the power to impose

one day's labor or one dollar and a half

cash on each person liable, while the

statute we have quoted permits the

levy and collection of twice that

amount, and that is what the city or-

dinance has imposed.

It is not surprising, considering his

record, that the City Attorney blun-

dered in making the misjoinder of parties

plaintiff in the suit before the city

court, but it is strange that neither the

lawyers nor the court perceived the im-

portant point to which we have here

drawn attention.

No one contends, we understand, that

the City Council has not the power,

now, under Section 1743 of the Revised

Statutes of 1898 to pass an ordinance

requiring a two-days' polltax. Well, then,

that power has existed from the time

the law was passed, which was March

11, 1886, and was acted upon by the

council on April 6 of that year and

therefore the polltax ordinance, not be-

ing passed under any special city char-

ter but under a statute that has not

been repealed, must be as good today

as ever, and as valid as a new ordinance

would be if passed now under the same

statute.

The repealing section of the city char-

ter also has a proviso which is of some

importance, viewed in the light of the

law that we have cited. It is this:

"The ordinances and resolutions now

in force in any city or town shall con-

tinue in full force and effect until

changed, amended, or repealed by the

city council, provided that, so far as

such ordinances and resolutions are not

in conflict with the provisions of this

title."

Apart from the reasons we have given

there is quite an opening for an argu-

ment as to whether the ordinance in

question is really in conflict with the

provisions of Title 10. But seeing that

it was not passed under any charter re-

pealed by that title its validity under

section 1703 seems to be fully estab-

lished.

We are not in favor of a poll-tax at

all. It is a relic of early provincial

times. The roads and streets and high-

ways should in our opinion be made and

kept in repair out of general taxes for

the purpose. A poll-tax is unfair and

partial and imposes on a few individ-

uals' work for the benefit of the entire

public. It ought to be abolished. But

it is now required by law and that

should be complied with while it re-

mains upon our statutes and ordi-

nances.

A NATIONAL DISEASE.

Not long ago, Professor James, of

Harvard, took occasion to express his

views on lynching. Briefly stated, it

is that such outbreaks of lawlessness

mark a distinct line from civilization.

That is a sad commentary on our own

brand of it, but who can deny the truth

of that statement? The civilized world

has so long been unconcerned specta-

tor to American massacres, and other

atrocities committed at its very

threshold, that it is no wonder the con-

tagion has spread. When the filth is

permitted to accumulate around a

house, disease will soon enter it. And

that is the case with the civilized

world. As the professor puts it, the

lynching madness is no transient con-

tagion, but "a profound social disease,

spreading now like a forest fire and

certain to become permanently endemic

in every corner of our country, unless

hefty remedies are swiftly adopted to

check it." The professor predicted,

three years ago, that sooner or later

there would be civil war between the

races, and he now says "there is nothing

now in sight to check the spread of

an epidemic far more virulent than the

cholera."

Professor James is right in his es-

timate of human nature, when he states

that only the greatest pressure can

keep the beast within from breaking

out. He justly observes that "the

average church-going citizen realizes,

one may say, absolutely nothing of the

deeper currents of human nature, or of

the aboriginal capacity for murderous

extremities which lie sleeping even in

his own bosom." Religion, custom, law

and education have been filling, his

pressure upon him for centuries, main-

ly with the one intent that his homici-

dal potentialities should be kept under.

But the watertight compartment

in which the "civilized" within us is

confined is artificial and not organic.

It will never be organic. The slightest

diminution of external pressure, the

slightest loophole of licensed exception,

will make the whole system leaky, and

murder will again grow rampant."

Perhaps the truth of these observa-

tions was never better illustrated than

in the case of the Danville mob murder,

last week. Danville is a civilized

city of 15,000 people, having schools,

churches, and newspapers. But sud-

denly, as if the entire community had

become possessed by demons, all law

and order were overturned. A negro

had committed a crime. The of-

ficers had him, and justice

would certainly have been meted

out to him. But the mob gathered,

crying for vengeance. Murder was

committed on the way to the jail. The

prison was then attacked and a coura-

geous sheriff fought off the miscre-

ants; the latter rushed off to glut

their fury on another negro, who was

lynched with every circumstance of atro-

city; the militia was called out, and

Danville was saved by military rule

from being sacked by its own citizens.

And while these horrors are taking place

in the north, two simultaneous lynchings

occur in the south—one of them of a

woman, the other of "the wrong ne-

gro"—and another lynching is threat-

ened and barely averted in Pennsylvania.

And so it goes. It certainly looks

as if the observation of Prof. James

was true, that we are passing through

an epidemic of lawlessness.

It is something to study this loath-

some disease philosophically, and an-

other to suggest a proper treatment.

And there is but one. Officers of the

law everywhere must do their duty, and

be held to strict account, if they fail to

do it. Lynches should be shot down,

as wild beasts, if they refuse to listen

to reason, and disperse. And all who

aid and abet in the bloody work should

be found by the law, and treated as

they deserve. A sacred duty is in-

cumbent upon every law-abiding citizen,

to use his influence to bring about a more

rational sentiment among the people

everywhere on this question. The state-

ment that lynching is but a manifesta-

tion of an uncontrollable craving for

justice, is false as the dark pit where

it first originated. Lynching represents

nothing but the bloodthirsty instinct,

against which civilization has slowly

and laboriously raised a barrier of law

and courts. The idea of the spirit that

prompts mob murders is, to break

down these barriers, to let in again the

flood of barbarism which means de-

struction and ruin, intellectual as well

as moral.

THE ZIONIST CONGRESS.

On the 23rd day of August the Zionists

will hold their 6th annual congress in

Basle. It is expected that 400 dele-

gates will be present, representing al-

most every country on the earth. And

they will deliberate upon the subject of

a home for the oppressed children of

Judah. Herzl will be there, and Zan-

guill, and Gotthel and many other dis-

tinguished leaders.

But what makes this congress of

overwhelming importance, is the fact

that it is expected at this gathering,

that plans will be presented and dis-

cussed, of a most practical character.

The tragedy of Kishinev, and the re-

fusal of the Czar to listen to a respect-

ful prayer for protection, have centered

the interest of Jews all over the world

in such plans, because it is apparent